

No: 71/2006/QH11

*Hanoi, June 29, 2006*

**LAW**

**ON SOCIAL INSURANCE**

*Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001, of the Xth National Assembly, the 10th session;  
This Law provides for social insurance.*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1.- Regulation scope**

1. This Law provides for social insurance regimes and policies; the rights and responsibilities of insured laborers, agencies, organizations and individuals; social insurance organizations; social insurance funds; procedures for implementation of social insurance and state management of social insurance.
2. This Law does not apply to health insurance, deposit insurance and types of business insurance.

**Article 2.- Subjects of application**

1. Laborers entitled to participate in compulsory social insurance are Vietnamese citizens, including:
  - a/ Persons working under contracts of indefinite term or contracts of a term of full three months or longer;
  - b/ Cadres, officials, public servants;
  - c/ Defense workers, police workers;
  - d/ Officers and professional personnel of the people's army; professional officers and non-commissioned officers, technical officers and non-commissioned officers of the people's police; persons engaged in cipher work and enjoying salaries like army men or policemen;

e/ Non-commissioned officers and soldiers of the people's army and non-commissioned officers and combatants of the people's police on term services;

f/ Persons working overseas for a definite term who previously paid compulsory social insurance premiums.

2. Employers entitled to participate in compulsory social insurance include state agencies, non-business units, people's armed force units; political organizations, socio-political organizations, socio-professional-political organizations, socio-professional organizations, other social organizations; foreign agencies and organizations, international organizations operating in the Vietnamese territory; enterprises, cooperatives, individual business households, cooperative groups, other organizations and individuals hiring, employing and paying wages to laborers.

3. Laborers entitled to participate in unemployment insurance include Vietnamese citizens working under labor contracts or working contracts of indefinite term or a term of between full twelve months and thirty six months for employers specified in Clause 4 of this Article.

4. Employers entitled to participate in unemployment insurance are employers specified in Clause 2 of this Article who employ ten or more laborers.

5. Persons entitled to participate in voluntary social insurance are working-age Vietnamese citizens who are not specified in Clause 1 of this Article.

6. Agencies, organizations and individuals related to social insurance.

Laborers participating in compulsory social insurance, laborers participating in unemployment insurance and persons participating in voluntary social insurance are hereinafter collectively referred to as laborers.

### **Article 3.- Interpretation of terms**

In this Law, the terms below are construed as follows:

1. Social insurance means the guarantee to fully or partially offset a laborer's income that is lost or reduced due to his/her sickness, maternity, labor accident, occupational disease, unemployment, retirement or death, on the basis of his/her contributions to the social insurance fund.

2. Compulsory social insurance means a form of social insurance in which laborer and employer must participate.

3. Voluntary social insurance means a form of social insurance in which a laborer voluntarily participates, may select premium rates and modes of premium payment suitable to his/her income in order to enjoy social insurance coverage.

4. Unemployed person means a person who had paid unemployment insurance premiums then has lost his/her job or terminated his/her labor or working contract and has not yet found a job.

5. Duration of social insurance premium payment means a duration counting from the time a laborer starts paying social insurance premiums to the time he/she stops the payment thereof. When a laborer pays social insurance premiums in interrupted durations, the duration of social insurance premium payment is the total time of social insurance premium payment.

6. Common minimum salary means the lowest salary promulgated by the Government in each period.

7. Relative means an insured person's child, wife or husband, natural father, natural mother, father-in-law, mother-in-law or other persons whom the insured person is obliged to nurture.

#### **Article 4.-** Social insurance regimes

1. Compulsory social insurance covers the following regimes:

a/ Sicknes;

b/ Maternity;

c/ Labor accident, occupational disease;

d/ Retirement;

e/ Survivorship allowance.

2. Voluntary social insurance covers the following regimes:

a/ Retirement;

b/ Survivorship allowance.

3. Unemployment insurance covers the following regimes:

a/ Unemployment allowance;

b/ Job-learning support;

c/ Job-seeking support.

#### **Article 5.-** Social insurance principles

1. The level of social insurance entitlement shall be calculated on the basis of the premium rate, the social insurance payment duration and the sharing among social insurance participants.

2. The payable compulsory social insurance or unemployment insurance premium shall be calculated on the basis of laborers' salary or remuneration. The payable voluntary social insurance premium shall be calculated on the basis of the income level selected by laborers, which, however, must be at least equivalent to the common minimum salary.
3. Laborers who pay both compulsory and voluntary social insurance premiums are entitled to the retirement regime and survivorship allowance regime on the basis of the duration of payment of social insurance premiums.
4. The social insurance fund shall be managed in a uniform, democratic, open and transparent manner, be used for proper purposes and be independently accounted according to the component funds of compulsory social insurance, voluntary social insurance and unemployment insurance.
5. Social insurance shall be implemented in a simple, easy and convenient manner, promptly and adequately ensuring the interests of the insured.

**Article 6.-** State policies on social insurance

1. The State shall encourage and create conditions for agencies, organizations and individuals to participate in social insurance.
2. The State shall adopt preferential policies of investment in the social insurance fund and other necessary measures to preserve and develop the fund. The social insurance fund shall be protected by the State and shall not become bankrupt.

Retirement pensions, social insurance allowances and profits from activities investment of the social insurance fund are tax-free.

**Article 7.-** Contents of the state management of social insurance

1. To formulate, and organize the implementation of, social insurance strategies, regimes and policies.
2. To promulgate, and organize the implementation of, legal documents on social insurance.
3. To propagate and disseminate social insurance regimes, policies and law.
4. To perform statistical and information work on social insurance.
5. To organize the social insurance-implementing apparatus; to train human resources for social insurance work.
6. To inspect and check the observance of the law on social insurance; to settle complaints and denunciations about, and handle violations of the law on, social insurance.

7. To promote international cooperation on social insurance.

**Article 8.-** State management agencies in charge of social insurance

1. The Government shall perform the uniform state management of social insurance.
2. The Ministry of Labor, War Invalids and Social Affairs shall take responsibility before the Government for performing the state management of social insurance.
3. Ministries, ministerial-level agencies shall, within the ambit of their respective tasks and powers, perform the state management of social insurance.
4. People's Committees at all levels shall perform the state management of social insurance within their respective localities under the Government's decentralization.

**Article 9.-** Modernization of social insurance management

1. The State shall encourage investment in development of technologies and advanced technical equipment in order to ensure the application of modern social insurance management methods.
2. The Government shall specify the application of information technology to the social insurance management.

**Article 10.-** Social insurance inspectorate

1. The labor-war invalid and social affairs inspectorate shall perform the functions of specialized social insurance inspection.
2. The organization, tasks and powers of the specialized social insurance inspectorate shall be as stipulated in the inspection law.

**Article 11.-** Rights and obligations of trade union organizations

1. Trade union organizations have the following rights:
  - a/ To protect the legitimate rights and interests of insured laborers;
  - b/ To request employers, social insurance organizations to supply information on laborers' social insurance;
  - c/ To propose competent state bodies to handle violations of the law on social insurance.
2. Trade union organizations have the following responsibilities:
  - a/ To propagate and disseminate social insurance regimes, policies and law to laborers;

b/ To propose, participate in the elaboration, amendment and supplementation of social insurance regimes, policies and law;

c/ To participate in inspecting and supervising the implementation of the law on social insurance.

**Article 12.-** Rights and responsibilities of employers' representatives

1. Employers' representatives have the following rights:

a/ To protect the legitimate rights and interests of insured employers;

b/ To propose competent state bodies to handle violations of the law on social insurance.

2. Employers' representatives have the following responsibilities:

a/ To propagate and disseminate social insurance regimes, policies and law to employers;

b/ To propose, participate in the elaboration, amendment and/or supplementation of social insurance regimes, policies and law;

c/ To participate in inspecting and supervising the implementation of the law on social insurance.

**Article 13.-** Reporting and auditing regimes

1. Annually, the Government shall report to the National Assembly on the management and use of the social insurance fund.

2. Once every three years, the state audit shall audit the social insurance fund and report on the results to the National Assembly. In case of necessity, at the request of the National Assembly, the National Assembly Standing Committee or the Government, the social insurance fund shall be audited unexpectedly.

**Article 14.-** Prohibited acts

1. Not paying social insurance premiums according to the provisions of this Law.

2. Falsifying and forging dossiers in the implementation of social insurance.

3. Using the social insurance fund for improper purposes.

4. Causing troubles or obstacles to, harming the legitimate rights and interests of, laborers or employers.

5. Making false reports, supplying false information, data on social insurance.

**Chapter II**

## **RIGHTS AND RESPONSIBILITIES OF LABORERS, EMPLOYERS, SOCIAL INSURANCE ORGANIZATIONS**

### **Article 15.-** Rights of laborers

Laborers have the following rights:

1. To be granted social insurance books;
2. To receive social insurance books when ceasing to work;
3. To receive retirement pensions and social insurance allowances fully and in time;
4. To be covered by health insurance in the following cases:
  - a/ Currently enjoying retirement pensions;
  - b/ Being on leave and enjoying monthly labor accident or occupational disease allowance;
  - c/ Currently enjoying unemployment allowance;
5. To authorize other persons to receive their retirement pension or social insurance allowance.
6. To request employers to supply information specified at Point h, Clause 1, Article 18; to request social insurance organizations to supply information specified in Clause 11, Article 20 of this Law;
7. To lodge complaints or denunciations about social insurance;
8. Other rights provided for by law.

### **Article 16.-** Responsibilities of laborers

1. Laborers have the following responsibilities:
  - a/ To pay social insurance premiums according to the provisions of this Law;
  - b/ To observe regulations on compilation of social insurance dossiers;
  - c/ To preserve social insurance books according to regulations;
  - d/ Other responsibilities as provided for by law.
2. Apart from the responsibilities specified in Clause 1 of this Article, laborers covered by unemployment insurance also have the following responsibilities:

- a/ To register their unemployment with the social insurance organization;
- b/ To monthly inform the social insurance organization of the situation of job seeking during the period of enjoying unemployment allowance;
- c/ To accept jobs or participate in appropriate job-training courses recommended by the social insurance organization.

**Article 17.-** Rights of employers

Employers have the following rights:

1. To reject requests contrary to the provisions of law on social insurance;
2. To lodge complaints or denunciations about social insurance;
3. Other rights as provided for by law.

**Article 18.-** Responsibilities of employers

1. Employers have the following responsibilities:

- a/ To pay social insurance premiums according to the provisions of Article 92 and make monthly deductions from salaries or remuneration of their laborers according to the provisions of Clause 1, Article 91 of this Law for payment at a time into the social insurance fund;
- b/ To preserve social insurance books of laborers during their working term;
- c/ To return social insurance books to laborers when they cease to work;
- d/ To compile dossiers for laborers to be granted social insurance books, pay social insurance premiums and be covered by social insurance;
- e/ To pay social insurance allowances to laborers;
- f/ To recommend laborers for assessment of their working capacity decrease at the Medical Assessment Council as provided for at Point a, Clause 1, Article 41, Article 51 and Point b, Clause 1, Article 55 of this Law;
- g/ To supply relevant documents and information at the request of competent state bodies;
- h/ To supply information on payment of laborers' social insurance premiums when so requested by laborers or trade union organizations;
- i/ Other responsibilities as provided for by law.



2. Apart from complying with the provisions of Clause 1 of this Article, monthly the employers covered by unemployment insurance shall pay unemployment insurance premiums according to the provisions of Clause 2, Article 102 and make deductions from laborers' salaries or remuneration according to the provisions of Clause 1, Article 102 of this Law for payment at a time into the unemployment insurance fund.

**Article 19.-** Rights of social insurance organizations

Social insurance organizations have the following rights:

1. To organize the management of personnel, finance and property according to provisions of law;
2. To reject claims for social insurance benefits against regulations;
3. To lodge complaints about social insurance;
4. To examine the contribution of social insurance premiums and the payment of social insurance benefits;
5. To propose competent state bodies to formulate, amend and/or supplement social insurance regimes, policies and law and to manage the social insurance fund;
6. To propose competent state bodies to handle violations of the law on social insurance;
7. Other rights as provided for by law.

**Article 20.-** Responsibilities of social insurance organizations

Social insurance organizations have the following responsibilities:

1. To propagate and disseminate social insurance regimes, policies and law; to guide social insurance implementation procedures for insured laborers and employers;
2. To collect social insurance premiums according to the provisions of this Law;
3. To receive dossiers and settle social insurance regimes; to pay retirement pensions and social insurance allowances in a full, convenient and timely manner;
4. To grant social insurance books to every laborer;
5. To manage and use the social insurance fund according to the provisions of law;
6. To apply measures to preserve and develop the social insurance fund;

7. To organize statistical and accounting work, to provide professional guidance on social insurance;
8. To recommend laborers for assessment of their working capacity decrease at the Medical Assessment Council as provided for at Point b, Clause 1 and Clause 2, Article 41 of this Law;
9. To apply information technology to social insurance management; to archive the insured's dossiers according to the provisions of law;
10. To biannually report to the Social Insurance Management Board on social insurance implementation. To annually report to the Government and state management bodies on the management and use of the social insurance fund;
11. To adequately and promptly supply information on payment of social insurance premiums, the rights to enjoy social insurance benefits, and social insurance implementation procedures when so requested by laborers or trade union organizations;
12. To supply relevant documents and information at the request of competent state agencies;
13. To settle in time complaints and denunciations about the implementation of social insurance;
14. To establish international cooperation on social insurance;
15. Other responsibilities as provided for by law.

### **Chapter III**

## **COMPULSORY SOCIAL INSURANCE**

### **Section 1. SICKNESS REGIME**

#### **Article 21.-** Coverage of the sickness regime

The sickness regime covers laborers specified at Points a, b, c and d, Clause 1, Article 2 of this Law.

#### **Article 22.-** Conditions for enjoyment of the sickness regime

1. Taking leave due to sickness or accident, with the certification of a medical establishment.

In case of taking leave due to sickness or accident because of self-infliction, drunkenness, abuse of drug or other addictives, laborers are not entitled to the sickness regime.

2. Taking leave to take care of under-seven children who get sick with the certification of a medical establishment.

**Article 23.-** Period for enjoying the sickness regime

1. The maximum period for enjoying the sickness regime in a year for laborers specified at Points a, b and c, Clause 1, Article 2 of this Law shall be calculated according to working days, excluding public holidays, New Year holidays and weekends, and is provided for as follows:

a/ For laborers working under normal conditions, it is thirty days, if they have paid social insurance premiums less than fifteen years; forty days, if they have paid social insurance premiums for between full fifteen years and under thirty years; sixty days, if laborers have paid social insurance premiums for full thirty years or more;

b/ For laborers doing heavy, hazardous or dangerous occupations or jobs on the list promulgated by the Ministry of Labor, War Invalids and Social Affairs and the Health Ministry or working regularly in regions with regional allowance coefficient of 0.7 or higher, it is forty days, if they have paid social insurance premiums for less than fifteen year; fifty days, if they have paid social insurance premiums for between full fifteen years and under thirty years; seventy days, if they have paid social insurance premiums for full thirty years or more.

2. Laborers who are infected with a disease on the list of diseases requiring long-term treatment, which is promulgated by the Health Ministry, shall enjoy the sickness regime as follows:

a/ No more than one hundred eighty days in a year, including public holidays, New Year holidays and weekends;

b/ If laborers still need treatment after one hundred eighty days, they shall continue to enjoy the sickness regime at a lower level.

3. The period for enjoying the sickness regime for laborers specified at Point a, clause 1, Article 2 of this Law shall depend on the period of treatment at medical establishments of the people's army or the people's police.

**Article 24.-** Period for enjoying the regime upon sickness of children

1. The period for enjoying the regime upon sickness of a child in a year shall be calculated according to the number of days taking care of the sick child and be twenty working days at most if the sick child is under three years old, or fifteen working days at most if the sick child is between full three years and under seven years old.

2. When both parents are covered by social insurance, if their child is still sick after either of them has spent the whole period for enjoying the regime, the other parent is entitled to the regime provided for in Clause 1 of this Article.

**Article 25.-** Levels of the sickness regime

1. Laborers entitled to the sickness regime provided for in Clause 1, at Point a of Clause 2 of Article 23, and in Article 24 of this Law enjoy 75% of the salary or remuneration of the month preceding their leave on which social insurance premiums are based.

2. Laborers who continue enjoying the sickness regime provided for at Point b, Clause 2, Article 23 of this Law enjoy the level as follows:

a/ 65% of the salary or remuneration of the month preceding the leave on which social insurance premiums are based, if laborers have paid social insurance premiums for full thirty years or more;

b/ 55% of the salary or remuneration of the month preceding the leave on which social insurance premiums are based, if laborers have paid social insurance premiums for between full fifteen years and under thirty years;

c/ 45% of the salary or remuneration of the month preceding the work leave on which social insurance premiums are based, if laborers have paid social insurance premiums for less than fifteen years.

3. Laborers enjoying the sickness regime provided for in Clause 3, Article 23 of this Law enjoy 100% of the salary of the month preceding the leave on which social insurance premiums are based.

4. If the sickness regime level specified in Clause 2 of this Article is lower than the common minimum salary, it shall be increased to be equivalent to the common minimum salary.

#### **Article 26.-** Convalescence and health rehabilitation after sickness

1. If laborers remain weak after the period of enjoying the sickness regime under the provisions of Article 23 of this Law, they are entitled to take a leave of between five days and ten days in a year for convalescence and health rehabilitation.

2. The daily benefit level is equivalent to 25% of the common minimum salary, if laborers have convalescence and health rehabilitation at home; or 40% of the common minimum salary, if laborers have convalescence and health rehabilitation at a rest home.

### **Section 2. MATERNITY REGIME**

#### **Article 27.-** Coverage of the maternity regime

The maternity regime covers laborers specified at Point a, b, c and d, Clause 1, Article 2 of this Law.

#### **Article 28.-** Conditions for enjoying the maternity regime

1. Laborers are entitled to the maternity regime in one of the following cases:

- a/ Female laborers get pregnant;
- b/ Female laborers give birth to children;
- c/ Laborers adopt children of under four months old;
- d/ Laborers have IUDs or take sterilization measures.

2. Laborers specified at Points b and c, Clause 1 of this Article must be those who have paid social insurance premiums for full six months or more within twelve months before childbirth or child adoption.

**Article 29.-** Period of leave for prenatal checks-up

Pregnant female laborers are entitled to take leave for five prenatal checks-up, one day for each check-up; in case they live far from medical establishments or have pathological signs or abnormal pregnancies, they are entitled to a two-day leave for each prenatal check-up.

The period of leave for enjoying the maternity regime specified in this Article shall be calculated according to working days, excluding public holidays, New Year holidays and weekends.

**Article 30.-** Period of leave when having miscarriage, abortion, fetocytosis or stillbirth

When getting miscarriage, abortion, fetocytosis or stillbirth, female laborers are entitled to ten-day leave, for pregnancy of under one month; twenty-day leave, for pregnancy of between one month and three months; forty-day leave, for pregnancy of between three months and under six months; or fifty-day leave, for pregnancy of six months or older.

The period of leave for enjoying the maternity regime specified in this Article includes public holidays, New Year holidays and weekends.

**Article 31.-** Period of leave after giving birth

1. After giving birth, female laborers are entitled to take leave under the maternity regime according to the following provisions:

- a/ Four-month leave, if they perform occupations or jobs under normal working conditions;
- b/ Five-month leave, if they perform heavy, hazardous or dangerous occupations or jobs on the lists promulgated by the Ministry of Labor, War Invalids and Social Affairs and the Health Ministry; work under the three-shift regime; work regularly in regions with regional allowance coefficient of 0.7 or more or if they are army women or police women;
- c/ Six-month leave, for female laborers being disabled persons according to the provisions of law on disabled people;

d/ In case of giving birth to twin or more infants, in addition to the leave period specified at Points a, b and c of this Clause, the mother shall enjoy an additional leave of thirty days for each infant from the second.

2. In case the newborn child dies before sixty days of age, the mother is entitled to take leave for ninety days counting from the date of childbirth; if the newborn child die sixty days or more of age, the mother is entitled to take leave for thirty days counting from the date her child dies, but the leave period under the maternity regime shall not exceed the period specified in Clause 1 of this Article; this period shall not be counted into the period of leave for personal reasons under the provisions of the law on labor.

3. In case only the father or the mother is covered by social insurance or both the father and mother are covered by social insurance and the mother dies in childbirth, the father or the person directly nursing the newborn child is entitled to the maternity regime until the child is full four months old.

4. The period of leave under the maternity regime specified in Clauses 1, 2 and 3 of this Article includes public holidays, New Year holidays and weekends.

**Article 32.-** Period of leave for enjoying the maternity regime upon child adoption

Laborers adopting a child of under four months old are entitled to take leave for enjoying the maternity regime until the child is full four months old.

**Article 33.-** Period of leave for enjoying the regime when taking contraceptive measures

1. When being implanted with UIDs, laborers are entitled to a seven-day leave.
2. When taking sterilization measures, laborers are entitled to a fifteen-day leave.
3. The period of leave for enjoying the maternity regime specified in Clauses 1 and 2 of this Article includes public holidays, New Year holidays and weekends.

**Article 34.-** Lump-sum allowance upon childbirth or child adoption

Female laborers after giving birth or laborers adopting a child of under four months old are entitled to a lump-sum allowance equivalent to two months' common minimum salary for each child.

When only the father is covered by social insurance and the mother dies in childbirth, the father are entitled to a lump-sum allowance equivalent to two months' common minimum salary for each child.

**Article 35.-** Level of maternity allowance

1. Laborers entitled to the maternity regime under Articles 29, 30, 31, 32 and 33 of this Law are entitled to 100% of the average of the monthly salary or remuneration of six months preceding the leave on which social insurance premiums are based.

2. The period of leave for enjoying the maternity regime shall be counted as the period of payment of social insurance premiums. During this period, laborers and employers are not required to pay social insurance premiums.

**Article 36.-** Female laborers going to work before the expiry of the maternity leave period

1. Female laborers may go to work before the expiry of the maternity leave period specified in Clause 1 or Clause 2, Article 31 of this Law when the following conditions are fully met:

a/ At least full sixty days after childbirth;

b/ Having the medical establishment's certification that working shall not harm their health;

c/ Notifying in advance and getting the prior consent of their employers.

2. Apart from the salary or remuneration paid for their working days, the female laborers going to work before the expiry of the maternity leave period is also entitled to the maternity regime until the end of the period specified in Clause 1 or 2 of Article 31 of this Law.

**Article 37.-** Convalescence and health rehabilitation after childbirth

1. If female laborers remain weak after the maternity leave period provided for in Article 30, Clause 1 or Clause 2 of Article 31 of this Law, they may take leave for convalescence and health rehabilitation for between five and ten days a year.

2. The daily benefit level shall be equivalent to 25% of the common minimum salary, if they take leave for convalescence and health rehabilitation at home; or 40% of the common minimum salary, if they have convalescence and health rehabilitation at a rest home.

### **Section 3. LABOR ACCIDENT AND OCCUPATIONAL DISEASE REGIMES**

**Article 38.-** Coverage of the labor accident and occupational disease regimes

The labor accident and occupational disease regimes covers laborers specified at Points a, b, c, d and e of Clause 1, Article 2 of this Law.

**Article 39.-** Conditions for enjoying the labor accident regime

Laborers are entitled to the labor accident regime when fully satisfying the following conditions:

1. Getting an accident in one of the following cases:

- a/ At workplace and during working hours;
  - b/ Outside the workplace or beyond working hours while on assignment by their employers;
  - c/ En route to and from residence and workplace within a reasonable time and on the reasonable route;
2. Suffering from a working capacity decrease of at least 5% due to accidents provided for in Clause 1 of this Article.

**Article 40.-** Conditions for enjoying the occupational disease regime

Laborers are entitled to the occupational disease regime when fully satisfying the following conditions:

- 1. Suffering from a disease on the list of occupational diseases, promulgated by the Health Ministry and the Ministry of Labor, War Invalids and Social Affairs when working in the environment or performing a job involving hazardous elements;
- 2. Suffering from a working capacity decrease of at least 5% due to a disease specified in Clause 1 of this Article.

**Article 41.-** Assessment of working capacity decrease

1. Laborers suffering from a labor accident or an occupational disease are entitled to assessment or re-assessment of their working capacity decrease when falling into one of the following cases:

- a/ Their health conditions have become stable after treatment of an injury or a disease;
- b/ Their health conditions have become stable after treatment of a recurring injury or disease.

2. Laborers are entitled to thorough assessment of their working capacity decrease when falling into one of the following cases:

- a/ Suffering both a labor accident and an occupational disease;
- b/ Getting labor accidents repeatedly;
- c/ Suffering from various occupational diseases.

**Article 42.-** Lump-sum allowance

- 1. Laborers suffering from working capacity decrease of between 5% and 30% are entitled to a lump-sum allowance.
- 2. The lump-sum allowance levels are specified as follows:



a/ Laborers with a 5% working capacity decrease are entitled to five months' common minimum salary, which shall be added with 0.5 of the monthly common minimum salary for more 1% of working capacity decrease;

b/ Apart from the allowance level specified at Point a of this Clause, laborers are entitled to an additional allowance calculated according to the number of years of paying social insurance premiums, which is equivalent to 0.5 of the salary or remuneration of the month preceding the leave on which social insurance premiums are based, for one year or less, and added with 0.3 of such salary or remuneration for each more year of paying social insurance premiums.

**Article 43.- Monthly allowance**

1. Laborers suffering from a working capacity decrease of at least 31% are entitled to a monthly allowance.

2. The monthly allowance levels are provided for as follows

a/ Laborers with a 31% working capacity decrease are entitled to a monthly allowance equivalent to 30% of the common minimum salary, which shall be added with 2% of the common minimum salary for each additional 1% of decrease;

b/ Apart from the allowance level specified at Point a of this Clause, laborers are entitled to a monthly allowance calculated according to the number of years of paying social insurance premiums, which is equivalent to 0.5% of the salary or remuneration of the month preceding the leave on which social insurance premiums are based, for one year or less, and added with 0.3 of such salary or remuneration for each more year of paying social insurance premiums.

**Article 44.- Starting time for enjoying allowances**

1. The time when laborers start to enjoy allowances specified in Articles 42, 43 and 46 of this Law is the month they are completely treated and discharged from hospital.

2. When their injury or sickness recurs and laborers have their working capacity decrease level re-assessed, the starting time for enjoying new allowances is the month when the Medical Assessment Council conclusions are available

**Article 45.- Supply of daily-life aid equipment and orthopedic devices**

Laborers suffering from a labor accident or occupational disease which damages the function of their body shall be provided with daily-life aid equipment and/or orthopedic devices, depending on the status of their injury or sickness.

**Article 46.- Attendance allowance**

Laborers who suffer from a working capacity decrease of at least 81% due to rachioplegia, total blindness, paraplegia, amputation of two legs or a mental disease are entitled to a monthly

attendance allowance equivalent to the common minimum salary in addition to the allowance specified in Article 43 of this Law.

**Article 47.-** Lump-sum allowance for death due to labor accident or occupational disease

For working laborers who die from a labor accident or of an occupational disease or die during the period of first-time medical treatment due to a labor accident or an occupational disease, their relatives are entitled to a lump-sum allowance equivalent to thirty six months' common minimum salary.

**Article 48.-** Convalescence and health rehabilitation after treatment of injury or sickness

1. Laborers who remain weak though their health conditions have become stable after treatment of injury caused by labor accident or of sickness caused by occupational disease are entitled to take leave for convalescence and health rehabilitation for between five and ten days.

2. The daily benefit is equivalent to 25% of the common minimum salary, if laborers take leave for convalescence and health rehabilitation at home, or 40% of the common minimum salary, if laborers take leave for convalescence and health rehabilitation at a rest home.

**Section 4. RETIREMENT REGIME**

**Article 49.-** Coverage of the retirement regime

The retirement regime covers laborers specified in Clause 1, Article 2 of this Law.

**Article 50.-** Conditions for enjoying retirement pension

1. Laborers specified at Points a, b, c and f of Clause 1, Article 2 of this Law, who have paid social insurance premiums for full twenty years or more are entitled to retirement pension when falling into one of the following cases:

a/ Being sixty years old for men or fifty five years old for women;

b/ Being between full fifty five years and full sixty years old for men or between full fifty years and full fifty five years old for women and having performed heavy, hazardous or dangerous occupations or jobs on the list of those promulgated by the Ministry of Labor, War Invalids and Social Affairs and the Health Ministry for full fifteen years, or having worked in regions with regional allowance coefficient of 0.7 or more for full fifteen years. In a number of other special cases, the retirement age of persons entitled to retirement pension shall be as stipulated by the Government.

2. Laborers specified at Point d, Clause 1, Article 2 of this Law and having paid social insurance premiums for full twenty years or more are entitled to retirement pension when falling into one of the following cases:

a/ Being full fifty five years old for men or full fifty years old for women, unless otherwise provided for by the Law on Officers of the Vietnam People's Army or the Law on People's Police.

b/ Being between full fifty years and full fifty five years old for men or between full forty five years and full fifty years old for women and having performed heavy, hazardous or dangerous occupations or jobs on the list of those promulgated by the Ministry of Labor, War Invalids and Social Affairs and the Health Ministry for full fifteen years, or having worked in regions with regional allowance coefficient of 0.7 or more for full fifteen years.

**Article 51.-** Conditions for enjoying retirement pension upon working capacity decrease

Laborers specified at Points a, b, c, d and f, Clause 1, Article 2 of this Law, who have paid social insurance premiums for full twenty years or more and suffered from working capacity decrease of at least 61%, are entitled to retirement pensions lower than those for qualified persons specified in Article 50 of this Law when falling into one of the following cases:

1. Being full fifty years old for men or forty five years old for women;
2. Having performed especially heavy, hazardous or dangerous occupations or jobs on the list of those promulgated by the Ministry of Labor, War Invalids and Social Affairs and the Health Ministry for full fifteen years or more.

**Article 52.-** Monthly retirement pension

1. The monthly retirement pension of qualified laborers specified in Article 50 of this Law is equivalent to 45% of the average monthly salary or remuneration on which social insurance premiums are based specified in Article 58, Article 59 or Article 60 of this Law, corresponding to fifteen years of paying social insurance premiums, which shall be added with 2% for men or 3% for women for each additional year of paying social insurance premiums; the maximum rate is equivalent to 75%.

2. The monthly retirement pension of qualified laborers specified in Article 51 of this Law shall be calculated as provided for in Clause 1 of this Article, which shall be then reduced by 1% for each year of early retirement.

3. The lowest monthly retirement pension is equivalent to the common minimum salary.

**Article 53.-** Adjustment of retirement pensions

Retirement pensions shall be adjusted on the basis of the rise in cost-of-living index and economic growth. The specific adjustment levels shall be stipulated by the Government.

**Article 54.-** Lump-sum allowance upon retirement

1. Laborers who have paid social insurance premiums for more than thirty years for men or for more than twenty five years for women are, upon retirement, entitled to a lump-sum allowance besides their retirement pension.

2. The lump-sum allowance level shall be calculated according to the number of years of paying social insurance premiums, counting from the thirty-first year on for men and the twenty-sixth year on for women. For each year of paying social insurance premiums, laborers are entitled to 0.5 of the average monthly salary or remuneration on which social insurance premiums are based.

**Article 55.-** Lump-sum social insurance benefit for persons ineligible for enjoying retirement pension

1. Laborers specified at Points a, b, c and f, Clause 1, Article 2 of this Law are entitled to lump-sum social insurance benefit when falling into one of the following cases:

a/ They have reached the retirement age specified in Clause 1, Article 50 of this Law while having paid social insurance premiums for less than twenty years;

b/ They have suffered from working capacity decrease of at least 61% while having paid social insurance premiums for less than twenty years;

c/ They discontinue paying social insurance premiums after one-year leave and request lump-sum social insurance benefit while having paid social insurance premiums for less than twenty years;

d/ They settle abroad.

2. Laborers specified at Points d and e, Clause 1, Article 2 of this Law are entitled to a lump-sum social insurance benefit when they are demobilized from the army or leave their job but are ineligible for enjoying retirement pension.

**Article 56.-** Levels of lump-sum social insurance benefit

The level of lump-sum social insurance benefit shall be calculated based on the number of years of paying social insurance premiums; for each year, laborers are entitled to one month and a half of the average monthly salary or remuneration on which social insurance premiums are based.

**Article 57.-** Reservation of social insurance premium payment period

Laborers, when leaving their jobs but ineligible for enjoying retirement pension provided for in Articles 50 and 51 or having not yet enjoyed lump-sum social insurance benefit provided for in Articles 56 and 56 of this Law are entitled to reserve their social insurance premium payment period.

**Article 58.-** Average of monthly salaries or remuneration on which social insurance premiums are based for calculation of retirement pension and lump-sum allowance for laborers participating in social insurance before January 1, 1995

1. For laborers subject to the salary regime set by the State and having the entire period of social insurance premium payment under such salary regime, the calculation shall be based on the average of monthly salaries or remuneration on which social insurance premiums are based in the last five years prior to their retirement.

2. For laborers having the entire period of social insurance premium payment under the salary regime decided by their employers, the calculation shall be based on the average of monthly salaries or remuneration on which social insurance premiums are based in the entire period.

3. For laborers who have both a social insurance premium payment period under the salary regime set by the State and a social insurance premium payment period under the salary regime decided by their employers, the calculation shall be based on the average of monthly salaries or remuneration on which social insurance premiums are based in these periods, for the payment period under the salary regime set by the State, the average of monthly salaries on which social insurance premiums are based shall be calculated according to the provisions of Clause 1 of this Article.

**Article 59.-** Average of monthly salaries or remuneration on which social insurance premiums are based for calculation of retirement pension and lump-sum allowance for laborers participating in social insurance from January 1, 1995, to before the effective date of the Law on Social Insurance

1. For laborers subject to the salary regime set by the State and having the entire period of social insurance premium payment under such salary regime, the calculation shall be based on the average of monthly salaries in the years of paying social insurance premiums prior to their retirement as follows:

a/ If they paid social insurance premiums for the period from January 1, 1995, to December 31, 2000, the calculation shall be based on the average of monthly salaries on which social insurance premiums are based in the last six years prior to their retirement;

b/ If they paid social insurance premiums for the period from January 1, 2001, to December 31, 2006, the calculation shall be based on the average of monthly social salaries on which social insurance premiums are based in the last eight years prior to their retirement.

2. For laborers having the entire period of social insurance premium payment under the salary regime decided by their employers, the calculation shall be based on the average of monthly salaries or remuneration on which social insurance premiums are based in the entire period.

3. For laborers with both a period of social insurance premium payment under the salary regime set by the State and a period of social insurance premium payment under the salary regime decided by their employers, the calculation shall be based on the average of monthly salaries or

remuneration on which social insurance premiums are based in these periods, in which for the period of social insurance premium payment under the salary regime set by the State, the calculation shall be based on the average of monthly salaries on which social insurance premiums are paid under the provisions of Clause 1 of this Article.

**Article 60.-** Average of monthly salary or remuneration on which social insurance premiums are based for calculation of retirement pension and lump-sum allowance for laborers participating in social insurance from the effective date of the Law on Social Insurance

1. For laborers subject to the salary regime set by the State and having the entire period of social insurance premium payment under such salary regime, the calculation shall be based on the average of monthly salaries on which social insurance premiums are based in the last ten years prior to their retirement.
2. For laborers having the entire period of social insurance premium payment under the salary regime decided by their employers, the calculation shall be based on the average of monthly salary or remuneration on which social insurance premiums are based in the entire period.
3. For laborers with both a period of social insurance premium payment under the salary regime set by the State and a period of social insurance premium payment under the salary regime decided by their employers, the calculation shall be based on the average of monthly salary or remuneration on which social insurance premiums are based of these periods; for the period of social insurance premium payment under the salary regime set by the State, the calculation shall be based on the average of monthly salaries on which social insurance premiums are based according to the provisions of Clause 1 of this Article.

**Article 61.-** Adjustment of salaries and remuneration for which social insurance premiums have been paid

1. Salaries for which social insurance premiums have been paid, which serve as the basis for calculation of the average monthly social insurance payment salary for laborers specified in Clause 1, Article 94 of this Law, shall be adjusted on the basis of the common minimum salary at the time of enjoying the retirement regime.
2. Salaries and remuneration for which social insurance premiums have been paid, which serve as the basis for calculation of the average monthly salary or remuneration on which social insurance premiums are based for laborers specified in Clause 2, Article 94 of this Law shall be adjusted on the basis of the cost-of living index of each period under regulations of the Government.

**Article 62.-** Suspension from enjoyment of monthly retirement pension or social insurance allowance

Laborers enjoying a monthly retirement pension or social insurance allowance shall be suspended from enjoying such retirement pension or social insurance allowance in one of the following cases:

1. They are subject to an imprisonment sentence, which is not suspended;
2. They illegally leave the country;
3. They are declared missing by the court.

## **Section 5. SURVIVORSHIP REGIME**

### **Article 63.- Funeral allowance**

1. When the following subjects die, the persons who take care of their funeral are be entitled to a funeral allowance:
  - a/ Laborers specified in Clause 1, Article 2 of this Law, who are paying social insurance premiums;
  - b/ Laborers who reserve a period of social insurance premium payment;
  - c/ Persons who are on retirement pension; monthly labor accident or occupational disease allowance and have ceased working.
2. The funeral allowance is equivalent to ten months' common minimum salary.
3. When the subjects specified in Clause 1 of this Article are declared dead by the court, their relatives are entitled to receive the allowance specified in Clause 2 of this Article.

### **Article 64.- Cases of eligibility for monthly survivorship allowance**

1. When subjects specified in Clause 1, Article 63 of this Law, who fall into one of the following cases, die, their relatives are entitled to a monthly survivorship allowance:
  - a/ They have paid social insurance premiums for full fifteen years or more but have not yet received a lump-sum social insurance benefit;
  - b/ They are on retirement pension;
  - c/ They die of a labor accident or an occupational disease;
  - d/ They are on monthly labor accident or occupational disease allowance for the working capacity decrease of at least 61%.
2. Relatives of the subjects specified in Clause 1 of this Article who are eligible for monthly survivorship allowance include:
  - a/ Children of under fifteen years old; children of under eighteen who are still going to school; children of full fifteen years or older who suffer from working capacity decrease of at least 81%;

b/ Wives of full fifty five years or older or husbands of full sixty years or older; wives of under fifty five years old or husbands of under sixty years old, who suffer from working capacity decrease of at least 81%;

c/ Natural fathers, natural mothers, fathers-in-law, mothers-in-law, other persons whom these subjects are obliged to nurture, who are full sixty years or older for men or full fifty five years or older for women;

d/ Natural fathers, natural mothers, fathers-in-law, mothers-in-law, other persons whom these subjects are obliged to nurture, who are under sixty years old for men or under fifty five years old for women and suffer from working capacity decrease of at least 81%.

The relatives specified at Points b, c and d of this Clause must have no income or have monthly incomes lower than the common minimum salary.

#### **Article 65.-** Levels of monthly survivorship allowance

1. The monthly survivorship allowance for each relative is equivalent to 50% of the common minimum salary; a relative who has no direct raiser is entitled to a monthly survivorship allowance equivalent to 70% of the common minimum salary.

2. For dead persons specified in Clause 1, Article 64 of this Law, the number of relatives entitled to a monthly survivorship allowance shall not exceed four; in cases of two or more dead persons, their relatives are entitled to two times the allowance specified in Clause 1 of this Article.

3. The duration of enjoying a monthly survivorship allowance begins on the month following the month the laborer or person on retirement pension or labor accident or occupational disease allowance dies.

#### **Article 66.-** Cases of eligibility for lump-sum survivorship allowance

When the subjects specified in Clause 1, Article 63 of this Law, who fall into one of the following cases, die, their relatives are entitled to a lump-sum survivorship allowance:

1. The dead persons do not fall into the cases specified in Clause 1, Article 64 of this Law;

2. The dead persons fall into one of the cases specified in Clause 1 of Article 64 but have no relative eligible for monthly survivorship allowance specified in Clause 2, Article 64 of this Law.

#### **Article 67.-** Level of lump-sum survivorship allowance

1. The level of lump-sum survivorship allowance for relatives of laborers who are working or laborers who reserve a social insurance premium payment period before their death shall be calculated on the basis of the number of years of paying social insurance premiums, with each year equivalent to one and a half month of the average monthly salary or remuneration on which



social insurance premiums are based; the lowest level shall be equivalent to three months' average monthly salary or remuneration.

2. The level of lump-sum survivorship allowance for relatives of laborers who are on retirement pension before their death shall be calculated on the basis of the period of enjoying retirement pension. If they die within the first two months of enjoying the retirement pension, the allowance level is equivalent to forty eight months of the retirement pension they are enjoying; if they die in subsequent months, for each additional month receiving the retirement pension, the allowance level is reduced by 0.5 of the monthly retirement pension; the lowest level is equivalent to three months of the currently enjoyed retirement pension.

**Article 68.-** Calculation of the retirement regime and survivorship allowance regime for persons who paid voluntary social insurance premiums then paid compulsory social insurance payment

1. For laborers who paid voluntary social insurance premiums then paid compulsory social insurance premiums, the calculation of their retirement regime or survivorship allowance regime shall be based on the period of paying voluntary social insurance premiums plus the period of paying compulsory social insurance premiums.

2. For laborers specified in Clause 1 of this Article, the calculation of average monthly salary or remuneration or average monthly income on which social insurance premiums are based shall be as stipulated by the Government.

## **Chapter IV**

### **VOLUNTARY SOCIAL INSURANCE**

#### **Section 1. RETIREMENT REGIME**

**Article 69.-** Coverage the retirement regime

Voluntary social insurance covers laborers specified in Clause 5, Article 2 of this Law.

**Article 70.-** Conditions for enjoying retirement pension

1. Laborers are entitled to retirement pension when satisfying all the following conditions:

a/ Being full sixty years old for men or full fifty five years old for women;

b/ Having paid social insurance premiums for full twenty years or more.

2. When men who are full sixty years old or women who are full fifty five years old have their social insurance premium payment period five years at most shorter than the period specified at Point b, Clause 1 of this Article, they may continue paying social insurance premiums until their social insurance premium payment period reaches full twenty years.

**Article 71.-** Level of monthly retirement pension

1. The level of monthly retirement pension is equivalent to 45% of the monthly income on which social insurance premiums are based specified in Article 76 of this Law corresponding to fifteen years of paying social insurance premiums, which shall be then added by 2% for men and 3% for women for each additional year of paying social insurance premiums; the maximum level is equivalent to 75%.

2. The adjustment of retirement pension shall be as provided for in Article 53 of this Law.

**Article 72.-** Lump-sum allowance upon retirement

1. Laborers who have paid social insurance premiums for more than thirty years, for men, or for more than twenty five years, for women are, in addition to retirement pension, entitled to a lump-sum allowance upon retirement.

2. The level of lump-sum allowance shall be calculated on the basis of the number of years of paying social insurance premiums, counting from the thirty first year on, for men or from the twenty sixth year on for women. Each year of paying social insurance premiums is equivalent to 0.5 month's average monthly income on which social insurance premiums are based.

**Article 73.-** Lump-sum social insurance benefit for persons ineligible for monthly retirement pension

Laborers are entitled to a lump-sum social insurance benefit when falling into one of the following cases:

1. Men who are full sixty years old or women who are full fifty five years old fail to have full twenty years of paying social insurance premiums, except for cases specified in Clause 2, Article 70 of this Law.

2. They discontinue paying social insurance premiums and wish to receive lump-sum social insurance benefit while failing to have full twenty years of paying social insurance premiums.

3. They settle abroad.

**Article 74.-** Level of lump-sum social insurance benefit

The level of lump-sum social insurance benefit shall be calculated on the basis of the number of years of paying social insurance premiums; for each year, laborers are entitled to one month and a half of the average monthly income on which social insurance premiums are based.

**Article 75.-** Reservation of social insurance premium payment period

Laborers who stop paying voluntary social insurance premiums but are still ineligible for retirement pension as provided for in Article 70 or have not yet received a lump-sum social

insurance benefit under the provisions in Articles 73 and 74 of this Law are entitled to reserve their social insurance premium payment period.

**Article 76.-** Average monthly income on which social insurance premiums are based

1. The average monthly income on which social insurance premiums are based is the average of all monthly incomes on which social insurance premiums are based in the entire period.
2. Monthly incomes for which social insurance premiums have been paid, which serve as the basis for calculation of the average monthly income on which social insurance premiums are based, shall be adjusted on the basis of the cost-of-living index of each period stipulated by the Government.

**Section 2. SURVIVORSHIP ALLOWANCE REGIME**

**Article 77.-** Funeral allowance

1. When the following subjects die, the persons who take care of their funeral are entitled to a funeral allowance:

- a/ Laborers who have paid social insurance premiums for at least five years;
- b/ Persons who are on pension.

2. The funeral allowance is equivalent to ten months' common minimum salary.

3. When the subjects specified in Clause 1 of this Article are declared dead by the court, their relatives are entitled to the allowance specified in Clause 2 of this Article.

**Article 78.-** Survivorship allowance

1. When laborers who are paying social insurance premiums, laborers who reserve a social insurance premium payment period or persons who are on pension die, their relatives are entitled to a lump-sum survivorship allowance.

2. The level of lump-sum survivorship allowance for relatives of laborers paying social insurance premiums or laborers reserving a social insurance premium payment period shall be calculated on the basis of the number of years of paying social insurance premiums; for each year, relatives are entitled to one month and half of the average monthly income on which social insurance premiums are based.

3. The level of lump-sum survivorship allowance for relatives of persons who are on pension shall be calculated on the basis of such persons' period of enjoying retirement pension; if they die within the first two months of enjoying retirement pension, such allowance is equivalent to forty eight months of the currently enjoyed retirement pensions; if they die in subsequent months, for

each additional month of enjoying retirement pension, the allowance shall be reduced by half of the monthly retirement pension.

**Article 79.-** Calculation of the retirement regime and survivorship allowance regime for persons who paid compulsory social insurance premiums then voluntary social insurance premiums

1. For laborers who paid compulsory social insurance premiums then paid voluntary social insurance premiums, the calculation of the retirement regime or survivorship allowance regime shall be based on the period of paying compulsory social insurance premiums plus the period of paying voluntary social insurance premiums.

2. The calculation of the average monthly salary, remuneration or income on which social insurance premiums are based for laborers specified in Clause 1 of this Article shall be stipulated by the Government.

## **Chapter V**

### **UNEMPLOYMENT INSURANCE**

**Article 80.-** Coverage of unemployment insurance

Unemployment insurance shall compulsorily apply to laborers specified in Clause 3 and employers specified in Clause 4, Article 2 of this Article.

**Article 81.-** Conditions for enjoying unemployment insurance

Unemployed persons are entitled to unemployment insurance when they fully satisfy the following conditions:

1. Having paid unemployment insurance premiums for full twelve months or more within twenty four months before they become unemployed;
2. Having registered their unemployment with the social insurance organization;
3. Having not yet found a job within fifteen days after the date of making unemployment registration as provided for in Clause 2 of this Article.

**Article 82.-** Unemployment allowance

1. The monthly unemployment allowance is equivalent to 60% of the average monthly salary or remuneration of six consecutive months before unemployment on which unemployment insurance premiums are based.
2. The period of enjoying unemployment allowance is stipulated as follows:

a/ Three months, if unemployment insurance premiums have been paid for between full twelve months and under thirty six months;

b/ Six months, if unemployment insurance premiums have been paid for between full thirty six months and under seventy two months;

c/ Nine months, if unemployment insurance premiums have been paid for between full seventy two months and under one hundred and forty four months;

d/ Twelve months, if unemployment insurance premiums have been paid for between full one hundred and forty four months.

**Article 83.- Vocational training support**

Persons who are on unemployment allowance shall be supported in vocational training for a period of no more than six months. The support level is equivalent to the level of expense for short-term vocational training in accordance with the law on vocational training.

**Article 84.- Job-seeking support**

Persons who are on unemployment allowance shall be provided with employment consultancy and recommendation free of charge.

**Article 85.- Health insurance**

1. Persons who are on unemployment allowance are entitled to the health insurance regime.
2. Social insurance organizations shall pay health insurance premiums for persons who are on unemployment allowance.

**Article 86.- Suspension from enjoyment of unemployment allowance**

Persons who are on unemployment allowance shall be suspended from enjoying unemployment allowance in one of the following cases:

1. Failing to observe the provisions of Point b, Clause 2, Article 16 of this Law;
2. Being put in detention.

**Article 87.- Termination of unemployment allowance**

1. Persons who are on unemployment allowance are not entitled to such allowance in one of the following cases:

- a/ Their period of enjoying unemployment allowance has expired;

- b/ They have found a job;
- c/ They perform the military service obligation;
- d/ They are on retirement pension;
- e/ They have twice refused to take up jobs recommended by the social insurance organization without plausible reasons;
- f/ They fail to abide by the provisions of Point b, Clause 2, Article 16 of this Law for three months in a row;
- g/ They settle abroad;
- h/ They serve a decision on application of administrative handling measures at reformatory, education camp, medical establishment or serve an imprisonment sentence which is not suspended;
- i/ They die.

2. Cases of termination of enjoyment of unemployment allowances, which are specified at Points b and c, Clause 1 of this Article, are entitled to a lump-sum allowance equivalent to the remaining value of the unemployment allowance specified in Article 82 of this Law.

3. After the termination of enjoyment of unemployment allowances as provided for in Clause 1 of this Article, the previous duration of unemployment insurance premium payment shall not be counted for subsequent enjoyment of unemployment allowances.

## **Chapter VI**

### **SOCIAL INSURANCE FUNDS**

#### **Section 1. COMPULSORY SOCIAL INSURANCE FUND**

**Article 88.-** Sources for formation of the fund

1. Premiums paid by employers under the provisions of Article 92 of this Law.
2. Premiums paid by laborers under the provisions of Article 91 of this Law.
3. Profits from activities of investment from the fund.
4. The State's supports.
5. Other lawful sources of revenues.

**Article 89.-** Component funds

1. Sickness and maternity fund.
2. Labor accident, occupational disease fund.
3. Retirement and survivorship allowance fund.

**Article 90.-** Use of the fund

1. Payment of social insurance indemnities to laborers under the provisions in Chapter III of this Law.
2. Payment of health insurance premiums for pensioners or persons who are enjoying monthly labor accident or occupational disease allowances during their leave.
3. Expenses for management.
4. Expenses on rewards under the provisions of Clause 2, Article 133 of this Law.
5. Investment to preserve and develop the fund according to the provisions of Articles 96 and 97 of this Law.

**Article 91.-** Levels and modes of payment by laborers

1. Monthly, laborers defined at Points a, b, c and d of Clause 1, Article 2 of this Law shall pay 5% of their salaries or remuneration into the retirement and survivorship allowance funds; and from 2010 on, an additional 1% shall be paid for every two years until the payment level of 8% is achieved.
2. Laborers enjoying salaries or remuneration according to production or business cycles in agricultural, forestry, fishery or salt-making enterprises shall be subject to the monthly social insurance premium payment levels specified in Clause 1 of this Article; payment shall be made on a monthly, quarterly or biannual basis.
3. The levels and modes of payment by laborers defined at Point f, Clause 1, Article 2 of this Law shall be stipulated by the Government.

**Article 92.-** Levels and modes of payment by employers

1. Monthly, employers shall make payments calculated on the funds of social insurance payment salaries and remuneration of laborers defined at Points a, e, c and d, Clause 1, Article 2 of this Law as follows:

a/ 3% into the sickness and maternity fund; of which 2% shall be withheld by employers to pay in time to laborers entitled to the regime specified in Section 1 and Section 2, Chapter III of this Law and conduct settlement thereof on a quarterly basis with social insurance organizations;

b/ 1% into the labor accident and occupational disease fund;

c/ 11% into the retirement and survivorship allowance fund; from 2010 on, an additional 1% shall be paid for every two years until the payment level reaches 14%.

2. Monthly, employers shall make payments calculated on the common minimum salary for each laborer defined at Point e, Clause 1, Article 2 of this Law as follows:

a/ 1% into the labor accident and occupational disease fund;

b/ 16% into the retirement and survivorship allowance fund; from 2010 on, an additional 2% shall be paid for every two years until the payment level reaches 22%.

3. Employers of agricultural, forestry, fishery or salt-making enterprises who pay salaries according to production or business cycles shall make monthly payments at the levels specified in Clause 1 of this Article; payments shall be made on a monthly, quarterly or biannual basis.

**Article 93.-** Temporary cessation of payment into the retirement and survivorship allowance fund

1. When employers meet with difficulties and have to temporarily stop their production or business or meet with difficulties due to natural disasters, crop failure, which render laborers and employers incapable of making payments into the retirement and death allowance fund, the payment can be temporarily ceased for no more than twelve months.

2. The Government shall specify the conditions and duration for temporary cessation of payment and the competence to decide on the temporary cessation of payment.

**Article 94.-** Monthly compulsory social insurance payment salaries, remuneration

1. For laborers subject to the salary regime set by the State, their monthly social insurance payment salaries shall be their rank- or grade-based salaries, or military rank-based salaries and position allowances, extra-seniority allowances or professional seniority allowances (if any). These salaries shall be calculated on the basis of the common minimum salary.

2. For laborers paying social insurance premiums according to the salary regime decided by their employers, their monthly social insurance payment salaries or remuneration are the salaries or remuneration stated in their labor contracts.

3. When the salaries or remunerations specified in Clauses 1 and 2 of this Article are higher than twenty months' common minimum salary, the monthly salary or remuneration on which social insurance premiums are based is equivalent to twenty months' common minimum salary level.



**Article 95.-** Management costs

1. Annual compulsory social insurance management costs shall be deducted from the profits from activities of investment from the funds.
2. Compulsory social insurance management costs shall be equivalent to management costs of state administrative agencies.

**Article 96.-** Investment principles

Activities of investment from the social insurance fund must ensure safety, efficiency and recoverability when necessary.

**Article 97.-** Investment forms

1. Purchase of debentures, mercantile papers, bonds of the State, state-run commercial banks.
2. Lending to state-run commercial banks.
3. Investment in key national economic projects.
4. Other investment forms provided for by the Government.

**Section 2. VOLUNTARY SOCIAL INSURANCE FUND**

**Article 98.-** Sources for formation of the fund

1. Premiums paid by laborers as provided for in Article 100 of this Law.
2. Profits from activities of investment from the fund.
3. The State's supports.
4. Other lawful sources of revenues

**Article 99.-** Use of the fund

1. To pay social insurance indemnities to laborers under the provisions of Chapter IV of this Law.
2. To pay health insurance premiums for voluntary social insurance participants who are enjoying retirement pensions.
3. To pay management costs.
4. To make investments to preserve and develop the fund under the provisions of Articles 96 and 97 of this Law.

**Article 100.-** Levels and modes of premium payment by laborers

1. The monthly premium payment level is equivalent to 16% of the incomes laborers select for social insurance premium payment; from 2010 on, an additional 2% shall be paid for every two years until the payment level reaches 22%.

The income level serving as a basis for calculation of payable social insurance premiums may change, depending on laborers' capabilities in each period, but must be at least equivalent to the common minimum salary and not more than twenty months' common minimum salary.

2. Laborers may select one of the following payment modes:

a/ Monthly payment;

b/ Quarterly payment;

c/ Biannual payment.

**Article 101.-** Management costs

1. Annual voluntary social insurance management costs shall be deducted from the profits from activities of investment from the fund.

2. Voluntary social insurance management costs shall be equivalent to management costs of state administrative agencies.

**Section 3. UNEMPLOYMENT INSURANCE FUND**

**Article 102.-** Sources for formation of the fund

1. Laborers' payment of 1% of the monthly salary or remuneration on which unemployment insurance premiums are based.

2. Employers' payment of 1% of the fund of monthly salaries and remuneration of laborers who participate in unemployment insurance on which unemployment insurance premiums are based.

3. The state's monthly budgetary support is equivalent to 1% of the fund of the salaries and remuneration of laborers insured by unemployment insurance on which unemployment insurance premiums are based, which is transferred once a year.

4. Profits from activities of investment from the fund.

5. Other lawful sources of revenues.

**Article 103.-** Use of the fund

1. To pay unemployment allowances.
2. To support job training.
3. To support job seeking.
4. To pay health insurance premiums for persons enjoying unemployment allowances.
5. To pay management costs.
6. To make investment to preserve and develop the fund under the provisions of Articles 96 and 97 of this Law.

**Article 104.-** Management costs

The unemployment insurance fund management costs are equivalent to management costs of state administrative agencies.

**Article 105.-** Monthly salaries or remuneration on which unemployment insurance premiums are based

Monthly salaries or remuneration on which unemployment insurance premiums are based shall be calculated under the provisions of Article 94 of this Law.

## **Chapter VII**

### **SOCIAL INSURANCE ORGANIZATION**

**Article 106.-** Social insurance organization

1. The social insurance organization is a non-business organization functioning to materialize the social insurance regimes and policies, to manage and use the social insurance funds under the provisions of this Law.
2. The organizational structure and tasks of the social insurance organization shall be stipulated by the Government.

**Article 107.-** Social Insurance Management Council

1. The Social Insurance Management Council shall be set up by the Government and have the duty to direct and supervise activities of the social insurance organization.
2. The Social Insurance Management Council is composed of representatives of the Ministry of Labor, War Invalids and Social Affairs, the Ministry of Finance, the Vietnam Confederation of Labor, the Vietnam Chamber of Commerce and Industry, the Vietnam Union of Cooperatives, the social insurance organization and a number of other members defined by the Government.

3. The Social Insurance Management Council consists of its chairman, vice-chairmen and members, who are appointed, relieved from office and dismissed by the Prime Minister.
4. The working regulations of the Social Insurance Management Council shall be stipulated by the Government.

**Article 108.-** Tasks of the Social Insurance Management Council

1. To appraise annual operation plans of, supervise and inspect the implementation thereof by, the social insurance organization.
2. To decide on the forms of investment from the social insurance funds at the proposal of the social insurance organizations.
3. To propose competent state bodies to elaborate, amend and supplement the social insurance regimes, policies and law, the branch development strategy, the consolidation of the organizational system of the social insurance organization, and the mechanisms for management and use of the social insurance funds.
4. To propose the Prime Minister to appoint, relieve from office or dismiss leading officials of the social insurance organization.

## **Chapter VIII**

### **SOCIAL INSURANCE IMPLEMENTATION PROCEDURES**

**Article 109.-** Social insurance books

1. Social insurance books shall be granted to individual laborers for monitoring the payment and enjoyment of social insurance regimes and serve as a basis for settlement of social insurance regimes under the provisions of this Law. The form of social insurance books shall be set by the social insurance organization.
2. Social insurance books shall be gradually replaced by electronic social insurance cards in the course of applying information technology to social insurance management. The Government shall provide procedures for implementation of social insurance when electronic social insurance cards are used.

**Article 110.-** Social insurance participation dossiers

1. A compulsory social insurance participation dossier comprises:
  - a/ The written personal declaration of the laborer, made according to a form set by the social insurance organization;
  - b/ The list of laborers insured by compulsory social insurance, made by the employer;

c/ The copy of the founding decision or the business registration certificate or the operation license, for employers participating in social insurance for the first time; the labor contracts, for employers being individuals who hire or employ laborers.

2. A voluntary social insurance participation dossier is the written personal declaration, made according to a form set by the social insurance organization.

3. An unemployment insurance participation dossier comprises:

a/ The written personal declaration, made according to a form set by the social insurance organization;

b/ The list of laborers covered by unemployment insurance, made by the employer.

#### **Article 111.-** Grant of social insurance books

1. Within thirty days as from the date of concluding a labor contract, a working or recruitment contract, the employer shall submit social insurance participation dossiers to the social insurance organization as provided for in Clauses 1 and 3, Article 110 of this Law.

2. Laborers shall submit social insurance participation dossiers to the social insurance organization under the provisions of Clause 2, Article 110 of this Law.

3. The social insurance organization shall grant social insurance books within thirty days after the date of receipt of the valid dossiers from persons participating in compulsory social insurance or unemployment insurance; twenty days after the date of receipt of the valid dossiers of persons participating in voluntary social insurance; if refusing to grant, it shall give written replies, clearly stating the reason therefor.

#### **Article 112.-** Dossiers for enjoyment of the sickness regime

1. The social insurance book.

2. The written certification of sickness leave for laborers being out-patients, the hospital-discharge paper, for laborers hospitalized at a medical establishment, the hospital discharge paper or diagnosis card of a hospital, for laborers suffering from a disease on the list of those requiring long-term treatment.

3. Employer's written certification of the working conditions of the laborer who performs a heavy, hazardous or dangerous occupation or job, or works regularly in a region with the regional allowance coefficient of 0.7% or more.

4. Employer's written certification of the leave duration to take care of the laborer's sick child, accompanied with the child's medical examination paper, for laborers taking leave to look after their sick children.

5. The lists of persons who take sickness leave and persons who take leave to look after their sick children, made by the employer.

**Article 113.-** Dossiers for enjoyment of the maternity regime

1. The social insurance book.
2. The copy of the written birth certification or the copy of the birth certificate of the child or the death certificate in case the newborn or the mother dies in childbirth.

When female laborers have prenatal checks-up, miscarriage, abortion, fetocytosis or stillbirth or laborers apply contraceptive measures, the written certification of a competent medical establishment is required; when they adopt children of under four months old, the law-specified certification is required.

3. Employer's certification of the working conditions for the laborer who performs a heavy, hazardous or dangerous occupation or job; works under the three-working shift regime; regularly works in a region with the regional allowance coefficient of 0.7% or more, or the employer's certification that the female laborer is disabled.
4. The list of persons enjoying the maternity regime, made by the employer.

**Article 114.-** Dossiers for enjoyment of the labor accident regime

1. The social insurance book.
2. The investigation record of the labor accident; when the traffic accident is determined as a labor accident, the record on the traffic accident is additionally required.
3. The hospital-discharge paper after the treatment following the labor accident.
4. The record on examination of the working capacity decrease, made by the Medical Assessment Council.
5. The written request for settlement of the labor accident regime.

**Article 115.-** Dossiers for enjoyment of the occupational disease regime

1. The social insurance book.
2. The record on measurement of the contaminated environment; when the record gives certification for many persons, the dossier of each laborer must contain an extract thereof.
3. The hospital discharge paper upon treatment of the occupational disease; in case of treatment not at a hospital, a paper on occupational disease examination is required.

4. The record on examination of the working capacity decrease of the Medical Assessment Council.

5. The written request for settlement of the occupational disease regime.

**Article 116.-** Dossiers for enjoyment of convalescence, health rehabilitation allowances

1. The list of persons who have enjoyed the sickness, maternity, labor accident or occupational disease regime but remain weak, made by the employer.

2. The written request for settlement of the convalescence, health rehabilitation allowances.

**Article 117.-** Settlement of the sickness and maternity regimes and convalescence and health rehabilitation allowances after sickness or maternity

1. Within three working days after the date of receipt of the relevant complete and valid dossiers from laborers specified in Articles 112 and 113 of this Law, employers shall settle the sickness or maternity regime for laborers.

2. Quarterly, employers shall submit the dossiers of the laborers for whom the sickness or maternity regime or convalescence and health rehabilitation allowances have been settled to the social insurance organization under the provisions of Articles 112, 113 and 116 of this Law.

3. The social insurance organization shall make the settlement thereof within fifteen days after the date of receipt of the valid dossiers; in case of non-settlement, it shall reply in writing, clearly stating the reason therefor.

**Article 118.-** Settlement of the labor accident and occupational disease regimes, convalescence and health rehabilitation allowances after treatment following labor accidents or of occupational diseases

1. Employers shall submit the dossiers to the social insurance organization as provided for in Articles 114, 115 and 116 of this Law.

2. The social insurance organization shall settle the regimes within fifteen days after the date of receipt of the valid dossiers; in case of non-settlement, it shall reply in writing, clearly stating the reason therefor.

**Article 119.-** Dossiers for enjoyment of retirement pensions for persons participating in compulsory social insurance

1. The social insurance book.

2. The decision on retirement from work, for persons who are paying social insurance premiums; the written request for enjoyment of retirement pension, for persons who are reserving their social insurance payment duration.

3. The record on examination of the working capacity decrease, made by the Medical Assessment Council, for pensioners under the provisions of Article 51 of this Law.

**Article 120.-** Dossiers for enjoyment of lump-sum social insurance indemnities by persons participating in compulsory social insurance

1. The social insurance book.
2. The decision on retirement from work, for cases defined at Point a, Clause 1 of Article 55; the decision on demobilization from the army or job severance, for cases specified in Clause 2, Article 55 of this Law.
3. The record on examination of the working capacity decrease, made by the Medical assessment council, for cases defined at Point b, Clause 1, Article 55 of this Law.
4. A copy of the overseas settlement paper, for cases defined at Point d, Clause 1, Article 55 of this Law.
5. The laborer's written request, for cases defined at Point c, Clause 1, Article 55 of this Law.

**Article 121.-** Dossiers for enjoyment of the survivorship allowance regime for persons participating in compulsory social insurance

1. For persons participating in social insurance and persons reserving the social insurance payment period, a dossier for enjoyment of the survivorship allowance regime comprises:

- a/ The social insurance book;
- b/ The death certificate, death notification or court decision declaring such person dead;
- c/ The relative's declaration, made according to a form set by the social insurance organization;
- d/ The record on investigation of the labor accident, the medical records on treatment of occupational disease, for the case of death due to a labor accident or an occupational disease.

2. For persons currently enjoying retirement pensions, monthly labor or occupational disease allowances with the working capacity decrease of 61% or more, a dossier for enjoyment of survivorship allowance comprises:

- a/ The death certificate, death notification or court decision declaring such person dead;
- b/ The relative's declaration, made according to a form set by the social insurance organization.

**Article 122.-** Settlement of enjoyment of retirement pensions, lump-sum social insurance indemnities, survivorship allowances for persons participating in compulsory social insurance



1. Employers shall submit dossiers to the social insurance organization under the provisions of Articles 119 and 120 and Clause 1 of Article 121 of this Law.

2. Laborers who are no longer involved in labor relations shall submit dossiers directly to the social insurance organization under the provisions of Articles 119 and 120 of this Law.

3. Relatives of persons who are enjoying retirement pensions, monthly labor accident or occupational disease allowances with the working capacity decrease of 61% or more shall submit dossiers to the social insurance organization under the provisions of Clause 2, Article 121 of this Law.

4. The social insurance organization shall settle the case within thirty days after the date of receipt of the valid dossier, for persons enjoying retirement pensions; fifteen days after the date of receipt of the valid dossier, for the case of enjoying lump-sum social insurance indemnities or survivorship allowances; in case of non-settlement, it shall reply in writing, clearly stating the reason therefor.

**Article 123.-** Dossiers for enjoyment of retirement pensions, lump-sum social insurance indemnities or the survivorship allowance regime for persons participating in voluntary social insurance

1. A dossier for enjoyment of retirement pension or lump-sum social insurance indemnities comprises:

a/ The social insurance book;

b/ The personal declaration, made according to a form set by the social insurance organization.

2. A dossier for enjoyment of the survivorship allowance regime comprises:

a/ The social insurance book, for persons who are paying social insurance premiums;

b/ The death certificate, death notification or court decision declaring such person dead;

c/ The relative's declaration, made according to a form set by the social insurance organization.

**Article 124.-** Settlement of enjoyment of the retirement regime or survivorship allowance regime for persons participating in voluntary social insurance

1. Laborers shall submit dossiers to the social insurance organizations under the provisions of Clause 1 of Article 123; relatives of the persons enjoying retirement pensions shall submit dossiers as provided for in Clause 2, Article 123 of this Law.

2. The social insurance organization shall settle the case within twenty days after the date of receipt of the valid dossier, for persons enjoying pensions; ten days after the date of receipt of the valid dossier, for the case of enjoying lump-sum social insurance indemnities or the survivorship

allowance regime; in case of non-settlement, it shall reply in writing, clearly stating the reason therefor.

**Article 125.-** Dossiers for enjoyment of unemployment insurance indemnities

1. The written request for enjoyment of unemployment insurance indemnities, made according to a form set by the social insurance organization.
2. A copy of the expired labor contract, working contract or the agreement on termination of the labor contract, working contract or the certification by the last employing unit of the lawful unilateral termination of the labor contract or working contract.

**Article 126.-** Settlement of enjoyment of unemployment insurance indemnities

1. Laborers shall submit dossiers to the social insurance organization under the provisions of Article 125 of this Law.
2. The social insurance organization shall settle the case within twenty days after the date of receipt of the valid dossier; in case of non-settlement, it shall reply in writing, clearly stating the reason therefor.

**Article 127.-** Dossiers for enjoyment of retirement pensions or social insurance allowances, for persons who have completely served imprisonment penalties

1. For persons who have not yet enjoyed retirement pensions or social insurance allowances, a dossier comprises:
  - a/ The social insurance book;
  - b/ The copy of the certificate of complete serving of the imprisonment penalty;
  - c/ The written request for enjoyment of social insurance indemnities.
2. For persons who had enjoyed retirement pensions, social insurance allowances, a dossier comprises:
  - a/ A copy of the certificate of complete serving of the imprisonment penalty;
  - b/ The written request for continued enjoyment of social insurance indemnities.

**Article 128.-** Settlement of enjoyment of retirement pensions or lump-sum social insurance indemnities, for persons who have completely served imprisonment penalties

1. Laborers shall submit dossiers to the social insurance organization under the provisions of Article 127 of this Law.

2. The social insurance organization shall settle the case within thirty days after the date of receipt of the valid dossier; in case of non-settlement, they shall reply in writing, clearly stating the reason therefor.

**Article 129.-** Change of places of enjoyment of retirement pensions or social insurance allowances

When persons enjoying retirement pensions or monthly social insurance allowances move to other places of residence within the country and wish to enjoy social insurance at the new place, they must file their applications to the social insurance organization of the old place where they are enjoying social insurance regimes.

The social insurance organization shall settle the case within five days after the date of receipt of the applications; in case of non-settlement, they shall reply in writing, clearly stating the reasons therefor.

## **Chapter IX**

### **COMPLAINTS AND DENUNCIATIONS ABOUT SOCIAL INSURANCE**

**Article 130.-** Complaints about social insurance

1. Laborers or persons who are enjoying retirement pensions or monthly social insurance allowances, persons who are reserving their social insurance premium payment period and other persons are entitled to complain about decisions or acts of employers or of a social insurance organization when they have grounds to believe that such decisions or acts violate the social insurance law, infringing upon their respective legitimate rights and interests.

2. Employers are entitled to complain about decisions or acts of a social insurance organization when they have grounds to believe that such decisions or acts violate the social insurance law, infringing upon their respective legitimate rights and interests.

**Article 131.-** Competence, order and procedures for settlement of complaints

1. Settlement of complaints about administrative decisions or administrative acts regarding social insurance shall be as provided for in the law on complaints and denunciations.

2. Settlement of complaints about social insurance-related decisions or acts other than the cases provided for in Clause 1 of this Article shall be carried out as follows:

a/ Persons competent to settle first-time complaints about social insurance are the persons who have issued the complained decisions or performed the complained acts.

When the persons with social insurance-related decisions or acts that are complained about no longer exist, the district-level state management agencies in charge of labor are competent to settle the complaints;

b/ When complainants disagree with the decisions on settlement of the first-time complaints or when at the expiration of the set time limit the complaints have not yet been settled, they are entitled to initiate lawsuits at a court or complain with the provincial-level state management agencies in charge of labor;

c/ When complainants disagree with the complaint-settling decisions of the provincial-level state management agencies in charge of labor or when at the expiration of the set time limit the complaints have not yet been settled, they are entitled to initiate lawsuits at a court.

d/ The statute of limitations for lodging complaints and the time limit for settling complaints shall be as provided for in the law on complaints and denunciations.

**Article 132.-** Denunciations, settlement of denunciations about social insurance

Denunciations and the settlement of denunciations about violations of law on social insurance shall be as provided for in the law on complaints and denunciations.

## **Chapter X**

### **COMMENDATION, REWARD, AND HANDLING OF VIOLATIONS**

**Article 133.-** Commendation and reward

1. Agencies, organizations and individuals that record achievements in the implementation of this Law or detect violations of the social insurance law shall be commended and rewarded in accordance with law.

2. Employers that well perform the work of labor protection, labor accident and occupational disease prevention shall be commended and rewarded from the labor accident or occupational disease insurance fund according to the Government's regulations.

**Article 134.-** Law-breaking acts related to social insurance premium payment

1. Non-payment.

2. Payment not on schedule.

3. Payment not at the set levels.

4. Payment under the level required for the number of people subject to social insurance premium payment.

**Article 135.-** Law-breaking acts related to procedures for implementation of the social insurance

1. Deliberately hindering or obstructing laborer's enjoyment of social insurance regimes.

2. Failing to grant social insurance books or failing to return social insurance books to laborers in accordance with this Law.

**Article 136.-** Law-breaking acts related to the use of social insurance premiums and funds

1. Using social insurance premiums and funds in violation of law.
2. Reporting untruthfully, supplying false information and data on social insurance premiums and funds.

**Article 137.-** Law-breaking acts related to the compilation of dossiers for enjoyment of social insurance regimes

1. Committing frauds and forging dossiers.
2. Granting false certificates or false examination papers.

**Article 138.-** Handling of violations

1. Agencies and organizations that commit law-breaking acts specified in Articles 134, 135, 136 and 137 of this Law shall, depending on the nature and severity of their violations, be administratively sanctioned; if causing damage, they must pay compensations therefor in accordance with law.
2. Individuals who commit law-breaking acts specified in Articles 134, 135, 136 and 137 of this Law shall be administratively sanctioned, disciplined or examined for penal liability, depending on the nature and severity of their violations; if causing damage, they must pay compensations therefor in accordance with law.
3. Employers who commit law-breaking acts specified in Article 134 of this Law for thirty days or more shall, apart from paying the amounts not yet paid or paid late and being handled in accordance with law, pay interests on the amounts not yet paid or paid late at the interest rate of the investment from the social insurance funds in the year.

When an employer fails to comply with the provisions of this Clause, at the request of the persons competent to impose administrative sanctions, the bank credit institution or state treasury shall deduct money from the deposit account of the employer to pay the amount not yet paid or paid late and the interest on such amount.

## **Chapter XI**

### **IMPLEMENTATION PROVISIONS**

**Article 139.-** Transition provisions

1. The provisions of this Law apply to persons who have participated in the social insurance before this Law takes effect.
2. Persons who are enjoying retirement pensions, monthly working capacity loss allowances, labor accident or occupational disease allowances or survivorship allowances and persons suspended from enjoying social insurance due to their law offenses before this Law takes effect shall still comply with the previous regulations and are entitled to the adjustment of the enjoyment levels in accordance with law.
3. Persons who are enjoying retirement pensions, monthly working capacity loss allowances, labor accident or occupational disease allowances before this Law takes effect shall, upon their death, enjoy the survivorship allowance regime provided for by this Law.
4. If laborers who had worked in the state sector before January 1, 1995, for a given duration have not yet received the job severance allowance, lump-sum allowance or demobilization allowance, this duration shall be counted as the duration of social insurance premium payment.
5. Annually, the State shall transfer from the budget an amount into the compulsory social insurance fund to ensure full payment of retirement pensions and social insurance allowances to persons enjoying retirement pensions, social insurance allowances before January 1, 1995; and payment of social insurance premiums for the working duration before January 1, 1995, for persons specified in Clause 4 of this Article.
6. The duration for which laborers pay unemployment premiums under the provisions of this Law shall not be counted for enjoyment of job loss allowances or job severance allowances under the provisions of the labor law or the law on cadres and civil servants.

**Article 140.-** Implementation effect

1. This Law takes effect on January 1, 2007; particularly for voluntary social insurance, after January 1, 2008, and unemployment insurance, after January 1, 2009.
2. All provisions contrary to this Law are annulled.

**Article 141.-** Implementation guidance

The Government shall detail and guide the implementation of this Law.

This Law was passed on June 29, 2006, by the XIth National Assembly of the Socialist Republic of Vietnam.